

REMARKS

Favorable reconsideration and allowance of this application are requested.

1. Discussion of Claim Amendments

By way of the amendment instructions above, pending independent claim 1 has been further revised so as clarify that to melamine-containing flows which originate from two different **chemical** process are first provided and thereafter mixed to form a mixture thereof. Thus, pending claim 1 now requires that the at least two different melamine-containing flows originate from different processes for the “preparation of melamine from urea” and thereby clarify that the flows originate from two different chemical processes. Support for such a revision may be found in the examples of the originally filed specification, for example, ad at page 3, lines 21-23 thereof. (*“Processes are different when there is a difference in at least one of the process operations needed to obtain the product in question....”*)

Therefore, following entry of the amendment instructions above, claims 1-13 will remain pending herein.

2. Response to 35 USC §103(a) Rejections

The Examiner has persisted in his rejection of claims 1-13 under 35 USC §103(a) as allegedly being “obvious” and hence unpatentable over Coufal in view of Van Hardeveld (USP 4,408,046). Applicants again emphatically disagree.

Applicants note that the essence of the present invention is that two melamine-containing flows are combined by mixing wherein the flows originate from **two different chemical processes** for the preparation of melamine from urea. The differences in processes may, for example, relate to temperature or pressure which results in a

different equilibrium during the reaction of urea to melamine and thus to a melamine that is different due to the different reaction conditions.

While applicants prior claim 1 could be argued to encompass a situation where melamine from the same reaction undergoes two different physical – not chemical— changes, for example phase transition, the presently amended claim 1 makes it abundantly clear that the invention relates to two different melamine-containing flows which originate from respectively two different ***chemical processes*** for the preparation of melamine from urea – i.e., from two different reaction processes.

The Examiner in his conclusion of unpatentability asserts that prior claim 1 is merely limited to mixing of two streams of melamine.¹ Such a statement is clearly erroneous and apparently serves as the incorrect basis on which the Examiner views the invention vis-à-vis the applied references of record. To be sure, as noted above, pending independent claim 1 is in fact limited to mixing of two streams of melamine that originate from ***at least two different chemical processes for making melamine***. Coufal and Van Hardeveld do not disclose or even remotely suggest such a feature.

Thus, unlike Coufal that may teach that flows may be mixed after melamine is made, such flows are from the ***same*** – not different – reaction process for making such melamine. In contrast, present claim 1 requires that at least two different ***chemical*** processes for the preparation of melamine from urea are provided and thereafter mixed.

Thus, in Coufal the spray drying process requires a solid has to be present which does not even have to be melamine. If the spray drying process is run continuously eventually there will be solid melamine that is combined with the liquid melamine, but as noted above, each of the liquid and the solid melamine is obtained from the same chemical process for making such melamine.

¹ “The instant invention relates to purification of melamine crude melamine (sic) by mixing two melamine containing flows....” (Official Action at page 3, third paragraph.)

In Van Hardeveld, a recycle stream is used to avoid any losses of melamine. This proposal again has nothing to do with achieving a specific result with respect to melamine quality by combining two different melamine flows that originate from two different reaction processes.

Consequently, even if a skilled person were to combine Coufal with Van Hardeveld, the present invention as defined by the pending claims would not result. Withdrawal of the rejection advanced under 35 USC §103(a) is therefore in order.

An early and favorable reply on the merits is awaited.

3. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment in the fee filed, or asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by the attorneys of Customer No. 23117 to Account No. 14-1140.

Respectfully submitted,

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